IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION No. 18375 of 2004

Between:

1 M.K.Rajagopal, s/o Venkataiah,
Anjaneya Kottalu, Khajipeta Mandal,
Cuddapah District.
2 P.Ananda Kumar, s/o Venugopal,
Khajipeta Agraharam, Khajipeta Mandal,
Cuddapah District.
3 P.Ramachandra Reddy, s/o late Bayapu Reddy,
Khajipeta Village, Khajipeta Mandal, Cuddapah District.
4 M.Sivasankar Reddy, s/o Rami Reddy,
Chemullapalli, Khajipeta Mandal, Cuddapah District.
5 K.Subbarayudu, s/o Gurrappa,
C.Kottapalli, Khajipeta Mandal, Cuddapah District.
6 M.Sreekanth, s/o Sesahiah,
C.Kottapalli, Khajipeta Mandal, Cuddapah District.
7 C.Sivanarayana Reddy, s/o Rosi Reddy,
Anjaneyakottalu, Khajipeta Mandal, Cuddapah District.
8 Smt.K.Rama Kumari, w/o Murali Krishna,
Anjaneyakottalu, Khajipeta Mandal, Cuddapah District.
9 Smt.N.Venkatasubbamma, w/o Subbarayudu,
Khajipet Village & Mandal, Cuddapah District.
10 Smt.B.Vijayalakshmi devi, w/o Venkataiah,
Anjaneyakottalu, Khajipeta Mandal, Cuddapah District.
11 Smt.C.Sobharani, w/o Sivanarayana Reddy,
Anjaneyakottalu, Khajipeta Mandal, Cuddapah District.
12 Smt.K.Eswaramma, w/o Jayaramulu,
Anjaneyapuram, Khajipeta Mandal, Cuddapah District.
13 Kum.M.K.Hemalatha, d/o M.K.R.Gopal,
Anjaneyakottalu, Khajipeta Mandal, Cuddapah District.
14 G.Ramu, s/o Subbarayudu,
Anjaneyapuram, Khajipeta Mandal,

Cuddapah District.

15 Smt.N.Nagamma, w/o Venkata Subbamma,
Anjaneyakottalu, Khajipeta Mandal, Cuddapah district.

16 Smt.M.Gurramma, w/o Ravindra Reddy,
Chemullapalli Village, Khajipeta Mandal, Cuddapah District.

17 Smt.Y.Lakshmi Devamma, w/o Subba Reddy,
Chemullapalli Village, Khajipeta Mandal, Cuddapah District.

18 Smt.E.Lakshmi Devamma, w/o Sreenivasulu Reddy,
Chemullapalli, Khajipeta Mandal, Cuddapah District.

19 K.Suresh Kumar, s/o Subbarayudu,
C.Kottapalli Village, Khajipeta Mandal, Cuddapah District.

20 P.Sambasiva Reddy, s/o late Pedda Baya Reddy,
Khajipeta Village & Mandal, Cuddapah District.

21 Smt.Mekala Savithri, w/o Rajagopal,
Khajipeta Village & Mandal, Cuddapah District.

22 Smt.K.Lakshmi Devi, w/o Bala Narasimha Reddy,
C.Kottapalli Village, Khajipeta Mandal, Cuddapah District.

23 M.Suresh, s/o Seshaiah,
C.Kottapalli Village, Khajipeta Mandal, Cuddapah District.

24 Smt.M.Lolakshumma, w/o Siasankar Reddy,
Chemullapalli Village, Khajipeta Mandal, Cuddapah District.

25 Smt.P.Eswaramma, w/o Bayapu Reddy,
Khajipeta Village & Mandal, Cuddapah District.

26 Smt.D.Sreedevi, w/o Ramamurthy,
C.Kottapalli Village, Khajipeta Mandal, Cuddapah District.

27 Smt.M.Saradhamma, w/o late Seshaiah,
C.Kottapalli Village, Khajipeta Mandal, Cuddapah District.

28 Smt.P.Nagamunemma, w/o Pedda Bayapu Reddy,
Khajipeta Village & Mandal, Cuddapah District.

29 Smt.C.Madalisha, w/o C.V.Rao,
C.Kottapalli Village, Khajipeta Mandal, Cuddapah District.

30 Smt.Dharani Mythili, w/o Chakradhar,
C.Kotta Palli Village, Khajipeta Mandal, Cuddapah District.

31 Smt.K.Suneetha, w/o Mohan,
C.Kotta Palli Village, Khajipeta Mandal, Cuddapah District.

32 Smt.Venkataramanamma, w/o late Raja Reddy,
Khajipeta Village & Mandal, Cuddapah District.

33 Kum.M.Sreevidya, d/o late Seshaiah,
C.Kotta Palli Village, Khajipeta Mandal, Cuddapah district.

..... PETITIONERS

AND

1 The District Collector, Cuddapah, Cuddapah District.

2 The Revenue Divisional Officer, Cuddapah, Cuddapah District.

3 The Mandal Revenue Officer, Khajipeta Mandal, Cuddapah District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ

of mandamus declaring the action of the 3rd respondent in interfering with the petitioners peaceful possession and enjoyment over the lands in Sy.Nos.301, 302, 303, 304, 305, 307, 308, 309, 310 & 311 of Nagasanipalli Village, Khajipet Mandal, Cuddapah District under the guise of the notices dated 30-07-2004 and 24-09-2004 issued by him as highly arbitrary, illegal, discriminatory, contrary to the provisions of B.S.O. and violative of the principles of natural justice apart from being violative of the fundamental rights guaranteed to the petitioners under Article 14, 19(1)(g) and 21 of the Constitution of India and consequently direct the respondents not to interfere with our peaceful possession and enjoyment over the lands in Sy.Nos.301, 302, 303, 304, 305, 307, 308, 309, 310 & 311 of Nagasanipalli Village, Khajipet Mandal, Cuddapah District.

Counsel for the Petitioners : Mr.V.R.REDDY KOVVURI

Counsel for Respondents : G.P. FOR REVENUE

The Court at the stage of admission, made the following :

ORDER:

Heard the learned counsel for petitioners and the learned Government Pleader for respondents and both of them agreed for disposal of the writ petition finally at the stage of admission.

Assailing the action of the 3rd respondent in interfering with the petitioners possession and enjoyment over the lands in Sy.Nos.301, 302, 303, 304, 305, 307, 308, 309, 310 & 311 of Nagasanipalli Village, Khajipet Mandal, Cuddapah District, the present writ petition is filed seeking direction to the respondents not to interfere with the petitioners possession over the property in question.

It is stated that the petitioners are landless poor persons and acquired the land in question and they made representation dated 15.2.2003 to the third respondent requesting to issue assignment pattas and that the third respondent after inspection and personal enquiry, approved the assignment of pattas on 10.4.2003 and the same were granted to the petitioners. It is also stated that the third respondent issued pattedar passbooks and also recommended to the second respondent for issuance of title deeds. The grievance of the petitioners is that in spite of the same, the third respondent issued the impugned notice dated 30.7.2004 directing the petitioners to appear before him and stated that the pattedar passbooks issued to the petitioners will be cancelled on the ground that the same were issued

contrary to Government Rules. To the said notice, petitioners submitted their explanation on 15.9.2004 stating that the pattas were granted to them after due enquiry and as per Rules and that they are in peaceful possession and enjoyment of the lands by cultivating the same.

The learned counsel for petitioners submits that petitioners are not against the conducting of enquiry into the illegalities, if any, while granting D.K.T. Pattas, but submits that the impugned notices are issued without specifying the nature of enquiry to be conducted and without passing any orders on their explanation and without giving opportunity to them, the respondents are trying to dispossess the petitioners.

Having regard to the fact that the third respondent who already issued notices fixing the date of enquiry for cancellation of D.K.T. Pattas, the respondents are under obligation to conduct a detailed enquiry by giving due notice and opportunity to the petitioners for such cancellation and shall pass a speaking order. If the said order goes against the petitioners, after expiry of the appeal period only, the respondents can take possession of the property in question.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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A.GOPAL REDDY, J

Date: 8.10.2004

DA

To

1 The District Collector, Cuddapah, Cuddapah District.
2 The Revenue Divisional Officer, Cuddapah, Cuddapah District.
3 The Mandal Revenue Officer, Khajipeta Mandal, Cuddapah District.

4 Two CCs to the G.P. for Revenue, High Court Buildings, Hyderabad.

5 Two CD copies.